



Illinois Department of Corrections

Administrative Directive

Number:

01.07.425

Title:

Mandatory Supervised Release Violators Who Have Opted for Prisoner Review Board Dates

Effective:

2/1/2022

Authorized by:

[Original Authorized Copy on File]

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Director

Supersedes:

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Authority:

730 ILCS 5/3-3-3 and 5-8-1

Related ACA Standards:

5-ACI-1E-01 – 03, 5-ACI-1F-01, 02, 06

Referenced Policies:

01.07.400

Referenced Forms:

DOC 0632 – MSR Violators Who Have Opted For Prisoner Review Board Dates

I. POLICY

Individuals who are returned as mandatory supervised release violators shall have their sentences recalculated, awarding good conduct credits on the portion of the mandatory supervised release term not served in accordance with the procedure established in this directive.

II. PROCEDURE

A. Purpose

The purpose of this directive is to establish a written procedure for calculating sentences of mandatory supervised release violators who have opted for dates set by the Prisoner Review Board.

B. Applicability

This directive is applicable to all correctional facilities within the Department.

C. Facility Reviews

A facility review of this directive is covered under the facility reviews conducted at least annually for Administrative Directive 01.07.400.

D. General Provisions

1. Individuals who accept dates set by the Prisoner Review Board (PRB) shall serve a full mandatory supervised release (MSR) term, pursuant to 730 Illinois Compiled Statutes 5/3-3-3 and 5-8-1.
 - a. In instances where an individual was returned as a parole violator and subsequently accepted dates set by the PRB, the length of the MSR term added to the date set by the PRB cannot exceed the originally imposed maximum plus the parole term.
 - b. A calculation shall be performed to determine the original discharge date using the MSR Violators Who Have Opted for Prisoner Review Board Dates, DOC 0632. If it is less than the date arrived at with the full MSR term, then the original discharge date shall be the controlling date.

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2. The issuance of an MSR violation warrant tolls the running of the sentence credit. Sentence credit shall not be resumed until the date a revocation hearing is held by the PRB. The individual shall then receive credit for time spent in custody which was not credited against another sentence.
3. The period of time between the date the PRB declared the releasee a violator and the recustody date or the new sentence date shall be calculated as time lost as an MSR violator. To determine which date is appropriate, the following shall control:
 - a. If the violator received a new sentence prior to his or her readmission to the Department, the custody time shall be credited to the new sentence and he or she shall receive credit on the original violation sentence from the date the new sentence was entered.
 - b. If the violator was returned as a technical violator without a new sentence, he or she shall receive credit for all custody time on the original violation sentence.
 - c. If the violator received a new sentence after his or her readmission to the Department, the custody time shall be credited to the original violation sentence and he or she shall receive credit on the new sentence from the date it was entered, unless otherwise ordered by the court.
4. The PRB may enter an order of Mandatory Supervised Release Resumed regarding an MSR violator. The release date may be prior to the projected discharge date calculated in Step 5 on the DOC 0632. The individual shall receive good conduct credits only on the portion of the MSR term served in custody. Therefore, in order to determine the discharge date, it shall be necessary to calculate Steps 7 and 8 and this shall negate Steps 4 and 5.

E. Calculation

1. Record the appropriate recustody date or new sentence date, whichever is applicable, and subtract the date declared a violator to determine the time lost as an MSR violator. If there was more than one violation, complete Step 1(B).
2. Record the time lost as an MSR violator as determined in Steps 1(A) and 1(B), as appropriate, and add to determine the total time lost as an MSR violator.
 - a. Record the release date as set by the PRB and add the appropriate MSR term to determine the maximum date. Add the total time lost as an MSR violator to determine the discharge date.
 - b. If there was a parole violation prior to the individual opting for dates set by the PRB, a calculation must be completed on the Indeterminate Sentence. Record the maximum as determined under the Indeterminate Sentence and add the time lost as an MSR violator to determine the discharge date. The lesser of the two discharge dates shall be the controlling date.
3. Record the discharge date as determined in Step 3(A) or 3(B), whichever is appropriate, and subtract the recustody date or new sentence date as determined in Step 1 to determine time to serve. Subtract good conduct credits to determine time left to serve.
4. Record the recustody date or new sentence date as determined in Step 1 and add the time left to serve as determined in Step 4 to determine the projected discharge date.
5. If a subsequent sentence is ordered consecutive to the violation, add the consecutive sentence less good conduct credit (if applicable) to the projected discharge date determined in Step 5.

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NOTE: Steps 7 and 8 shall be calculated only if Paragraph II.D.4. applies.

6. Record the release date and subtract the recustody date or new sentence date as determined in Step 1 to determine good conduct credits.
7. Record the discharge date determined in Step 3 and subtract good conduct credits from Step 7 to determine the discharge date.

NOTE: Results of the calculations shall be shared with the individual in custody.
